

# **EXHIBIT A-2**

Attachments to October 16, 2018 Letter to Mr. Zashin	
<b>TAB A</b>	2015 Performance-Enhancing Substances Policy
<b>TAB B</b>	Letter dated April 22, 2013 from Peter Ruocco to Thomas DePaso
<b>TAB C</b>	Letter dated May 7, 2015 from Adolpho Birch to Tom DePaso
<b>TAB D</b>	Player Drug Test Screen Shots

# TAB A



**NFL PLAYERS  
ASSOCIATION**

# **NATIONAL FOOTBALL LEAGUE**

## **POLICY ON PERFORMANCE-ENHANCING SUBSTANCES 2015**

as agreed by the  
**National Football League Players Association**  
and the  
**National Football League Management Council**

**NATIONAL FOOTBALL LEAGUE  
POLICY ON PERFORMANCE-ENHANCING SUBSTANCES**

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## **NATIONAL FOOTBALL LEAGUE POLICY ON PERFORMANCE-ENHANCING SUBSTANCES**

### **1. GENERAL STATEMENT OF POLICY**

The National Football League Management Council and NFL Players Association (“NFLPA”) (collectively, the “Parties”) have jointly developed this Policy on Performance-Enhancing Substances (the “Policy”) to prohibit and prevent the use of anabolic/androgenic steroids (including exogenous testosterone), stimulants, human or animal growth hormones, whether natural or synthetic, and related or similar substances. For convenience, these substances, as well as masking agents or diuretics used to hide their presence, will be referred to as “Prohibited Substances.”<sup>1</sup> These substances have no legitimate place in professional football. This Policy specifically means that:

- **Players**<sup>2</sup> may not, in the absence of a valid therapeutic use exemption (*see Appendix I*), have Prohibited Substances in their systems or supply or facilitate the distribution of Prohibited Substances to other Players.
- **Coaches, Athletic Trainers, Club Personnel, or Certified Contract Advisors** may not condone, encourage, supply, or otherwise facilitate in any way the use of Prohibited Substances.
- **Team Physicians** may not prescribe, supply, or otherwise facilitate a Player’s use of Prohibited Substances.
- **All Persons**, including Players, are subject to discipline for violation of this Policy.

The Parties are concerned with the use of Prohibited Substances based on three primary factors:

*First*, these substances threaten the fairness and integrity of the athletic competition on the playing field. Players may use these substances for the purpose of becoming bigger, stronger, and faster than they otherwise would be. As a result, their use threatens to distort the results of games and League standings. Moreover, Players who do not wish to use these substances may feel forced to do so in order to compete effectively with those who do. This is obviously unfair to those Players and provides sufficient reason to prohibit their use.

*Second*, the Parties are concerned with the adverse health effects of using Prohibited Substances. Although research is continuing, steroid use has been linked to a number of physiological, psychological, orthopedic, reproductive, and other serious health problems, including heart disease, liver cancer, musculoskeletal growth defects, strokes, and infertility.

*Third*, the use of Prohibited Substances by Players sends the wrong message to young

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<sup>1</sup> The list of Prohibited Substances is attached to this Policy at Appendix A. If the Parties mutually agree to modify the Prohibited Substances under this Policy, the Parties will immediately amend the list at Appendix A.

<sup>2</sup> Unless specified otherwise herein, the term Player shall include the categories set forth in the Preamble to the Collective Bargaining Agreement as well as Players attending the annual scouting combines.

people who may be tempted to use them. NFL Players should not by their own conduct suggest that such use is either acceptable or safe, whether in the context of sports or otherwise.

The NFL Player Contract specifically prohibits the use of drugs in an effort to alter or enhance performance. The NFL Player Contract and the League's Constitution and Bylaws require each Player to avoid conduct detrimental to the NFL and professional football or to public confidence in the game or its Players. The use of Prohibited Substances violates both these provisions. In addition, the Commissioner is authorized to protect the integrity of and public confidence in the game. This authorization includes the authority to forbid use of the substances prohibited by this Policy.

The Parties recognize that maintaining competitive balance among NFL clubs requires that all NFL Players be subject to the same rules and procedures regarding drug testing. The rules and procedures set forth herein are designed to protect the confidentiality of information associated with this Policy and to ensure the accuracy of test results, and the Parties intend that the Policy meets or exceeds all applicable laws and regulations related thereto. The Parties also recognize the importance of transparency in the Policy's procedures, including the scientific methodologies that underlie the Policy, the appeals process and the basis for discipline imposed, and reaffirm their commitment to deterrence, discipline and a fair system of adjudication.

## **2. ADMINISTRATION OF THE POLICY**

### **2.1 Independent Administrator**

The Policy is conducted under the auspices of the NFL Management Council. It will be directed by the Independent Administrator on Performance-Enhancing Substances ("Independent Administrator"), a person or entity to be jointly selected by the Parties and for whose compensation (salary) the Parties shall have equal responsibility. Unless the Parties mutually determine otherwise, the Independent Administrator shall serve an initial one-year term, followed by a minimum three-year term. The Independent Administrator may be discharged by either Party at any time provided that written notice is given by the discharging party one year prior to discharge.

As soon as practicable, but no later than within six months of issuance of a notice of intent to discharge the Independent Administrator, the Parties will each identify a minimum of three successor candidates. The identified candidates will then be ranked by the Parties, the Chief Forensic Toxicologist and the Medical Advisor for the Policy and Program on Substances of Abuse. The top three candidates will be interviewed by the ranking group. Absent agreement on a successor, the Parties will alternately strike names from said list. The Party to strike a name first will be determined by the flip of a coin.

Subject to the terms of this Policy, the Independent Administrator shall have the sole discretion to make determinations, consistent with the terms of this Policy, concerning the:

- (a) method by which Players will be subjected to testing each week;
- (b) selection of Players to be tested each week and the dates on which tests will be administered;

- (c) number and frequency of reasonable cause tests to be administered (subject to a maximum of 24 urine and/or blood tests per Player per year);
- (d) number and timing of off-season tests to be administered (subject to a maximum of six urine and/or blood tests per Player);
- (e) analysis of test results data over time;
- (f) scheduling of medical evaluations associated with the possible use of Prohibited Substances;
- (g) review and approval of “therapeutic use exemptions;”<sup>3</sup>
- (h) communication with and oversight of the Collection Vendor;
- (i) finding that a Player has failed to cooperate with testing, attempted to dilute, tamper with, or substitute a specimen to defeat testing, or otherwise violated protocols; and
- (j) certification of violations for disciplinary or administrative action.

In addition, the Independent Administrator will be available for consultation with Players and Club physicians; oversee the development of educational materials; participate in anti-doping research; and confer with the Chief Forensic Toxicologist.

Neither the NFL, the NFLPA, nor any NFL Member Club shall direct the specific testing schedule, decide which Players will be tested, or influence the Independent Administrator’s determination whether a potential violation has occurred and should be referred for further action.

The Independent Administrator (and any persons employed thereby) shall be a neutral party, and shall act in good faith and with equal obligation to the NFLPA and NFL. The Independent Administrator shall report equally, promptly and contemporaneously to both the NFLPA and NFL regarding all correspondence and relevant information, and seek guidance from both parties when exercising responsibilities under the Policy.

See Appendix B for further information on the Policy’s personnel.

## **2.2 Chief Forensic Toxicologist**

The Chief Forensic Toxicologist shall be jointly selected by the Parties, and the Parties shall have equal responsibility for his or her compensation (salary). Unless the Parties mutually determine otherwise, the Chief Forensic Toxicologist shall serve an initial one-year term, followed by a minimum three-year term. The Chief Forensic Toxicologist may be discharged by either Party at any time provided that written notice is given by the discharging party one year prior to discharge.

As soon as practicable, but no later than within six months of issuance of a notice of intent to discharge the Chief Forensic Toxicologist, the Parties will each identify a minimum of three successor candidates. The identified candidates will then be ranked by the Parties, the Independent Administrator and the Medical Advisor for the Policy and Program on Substances of Abuse, and the top three candidates will be interviewed by the ranking group. Absent agreement on a successor, the Parties alternately will strike candidates from said list. The party to strike a name first will be determined by the flip of a coin.

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<sup>3</sup> See Appendix I.

Consistent with the terms of this Policy, the Chief Forensic Toxicologist shall:

- (a) audit the operation of the testing laboratories, including the implementation of procedures, laboratory analysis of specimens and documentation;
- (b) consult with the Independent Administrator and Collection Vendor as appropriate;
- (c) review and certify laboratory results; and
- (d) provide advice and consultation to the Parties in connection with other matters including existing and proposed analytical methods and anti-doping research.

At the request of either Party, and upon notice to and approval from the other Party, the Chief Forensic Toxicologist may direct laboratory analysis of sports nutrition products or other substances. The Chief Forensic Toxicologist shall ensure that the results of such analysis shall be made known promptly, equally and contemporaneously to both the NFL and NFLPA. The Chief Forensic Toxicologist may also request permission from the Parties to direct laboratory analysis of sports nutrition products or other substances, and upon approval from the Parties, direct such analysis. The Chief Forensic Toxicologist shall ensure that the results of such analysis shall be made known promptly, equally and contemporaneously to both the NFL and NFLPA.

The Chief Forensic Toxicologist (and any persons employed thereby) shall be a neutral party, and shall act in good faith and with equal obligation to the NFLPA and NFL. The Chief Forensic Toxicologist shall report equally, promptly and contemporaneously to both the NFLPA and NFL regarding all correspondence and relevant information, and seek guidance from both parties when exercising responsibilities under the Policy.

See Appendix B for further information on the Policy's personnel.

### **2.3 Collection Vendor**

The NFL and NFLPA shall jointly agree upon a Collection Vendor to be responsible for specimen collection, storage and transportation to the designated laboratory. The Collection Vendor's written protocols and chain-of-custody documents must ensure that best practices are utilized at all times in a manner consistent with generally accepted scientific principles relevant to the collection and storage of the types of substances tested for under this Policy. These collection protocols and chain-of-custody documents shall be reviewed and approved annually by the Parties, the Chief Forensic Toxicologist and Independent Administrator and may not be changed without approval of both Parties. Once approved, if the Chief Forensic Toxicologist or Independent Administrator seeks to make any additional modifications, he or she must immediately inform the Parties.

The Collection Vendor shall implement a training and certification process for all employees or agents involved in the collection of any sample under this Policy. For serum (blood) collection, such employee or agent of the Collection Vendor must be a properly trained and experienced phlebotomist with the appropriate certifications to draw blood under applicable laws and regulations. Upon request of either Party, the Collection Vendor shall provide the Parties with all information regarding its training and certification processes.

## **2.4 Accounting**

Any service provider whose fees are shared by the Parties shall have an agreement setting forth with specificity the services being provided, the persons providing the services and any related fees or costs. The providers for which the NFLPA will equally share the salary costs are the Independent Administrator and the Chief Forensic Toxicologist. The Parties will equally share the costs and fees of the independent arbitrators. Each provider will periodically furnish the Parties with an itemization of the services provided and fees incurred. In addition, the NFL Management Council will provide on an annual basis documentation verifying that all fines imposed under the Policy were applied to the costs of the Policy.

## **3. TESTING FOR PROHIBITED SUBSTANCES**

### **3.1 Types of Testing**

All testing of Players for Prohibited Substances, including any pre-employment testing, is to be conducted pursuant to this Policy. All specimens will be collected by an authorized specimen collector under the authority of the Collection Vendor and analyzed at the appropriate laboratory (see Sections 3.2 and 3.4). As is the case in the employment setting, Players testing positive in a pre-employment setting will be subject to medical evaluation and clinical monitoring as set forth in Sections 3.1 and 4.3, and to the disciplinary steps outlined in Section 6.

Urine testing will take place under the following circumstances:

**Pre-Employment:** Pre-employment tests may be administered to free agent Players (whether rookies or veterans). In addition, testing will be conducted at the annual scouting combines.

**Annual:** All Players will be tested for Prohibited Substances at least once per League Year. Such testing will occur at training camp or whenever the Player reports thereafter, and will be deemed a part of his preseason physical.

**Preseason/Regular Season:** Each week during the preseason and regular season, ten (10) Players on every Club will be tested. By means of a computer program, the Independent Administrator will randomly select the Players to be tested from the Club's active roster, practice squad list, and reserve list who are not otherwise subject to ongoing reasonable cause testing for performance-enhancing substances. The number of Players selected for testing on a particular day will be determined in advance on a uniform basis. Players will be required to provide a specimen whenever they are selected, without regard to the number of times they have previously been tested consistent with the limits set forth in the Policy.

**Postseason:** Ten (10) Players on every Club qualifying for the playoffs will be tested weekly so long as the Club remains active in the postseason. Players to be tested during the postseason will be selected on the same basis as during the regular season.

**Off-Season:** Players under contract who are not otherwise subject to reasonable cause testing may be tested during the off-season months at the discretion of the Independent

Administrator, subject to the collectively bargained maximum of six (including blood tests) off-season tests. Players to be tested in the off-season will be selected on the same basis as during the regular season, irrespective of their off-season locations. Any Player selected for testing during the off-season will be required to furnish a urine specimen at a convenient location acceptable to the Independent Administrator, subject to the qualification set forth in Section 3.2 for specimen collections occurring away from the Club facility. Only Players who advise in writing that they have retired from the NFL will be removed from the testing pool. If, however, a Player thereafter signs a contract with a Club, he will be placed back in the testing pool.

**Reasonable Cause Testing For Players With Prior Positive Tests Or Under Other Circumstances:** Any Player testing positive for a Prohibited Substance, including a Player who tested positive or for whom there is sufficient credible evidence<sup>4</sup> of steroid involvement up to two football seasons prior to his applicable college draft or at a scouting combine, will be subject to evaluation by the Independent Administrator, after which the Independent Administrator may in his or her discretion place the Player into the reasonable cause testing program. Players placed into the program will be subject to testing both in-season and during the off-season at a frequency and duration determined by the Independent Administrator consistent with this Policy. Reasonable cause testing may also be required when, in the opinion of the Independent Administrator, he receives credible, verifiable documented information providing a reasonable basis to conclude that a Player may have violated the Policy or may have a medical condition that warrants further monitoring. If either Party asks the Independent Administrator for explanation of his/her decision to place a Player on reasonable cause testing based on credible information, he or she will promptly and fully provide the explanation to the Parties.

If a Player is placed into the reasonable cause testing program, the Independent Administrator in his or her discretion shall determine the type of testing (*e.g.*, urine, blood, or both) and frequency of testing to which the Player will be subject consistent with this Policy. If the Independent Administrator recommends more than one blood serum test per week, he shall provide the Parties with a written explanation regarding why this frequency of testing is warranted prior to commencement of such testing.

Players who are placed into the reasonable cause program based on a violation of the Policy must remain in the program a minimum of two years or two full seasons, whichever is shorter, after which the Independent Administrator must either discharge the Player or notify him in writing that he will remain in the program subject to review at a later date. Players who enter the program based on other reasons may be discharged at any time but shall be advised in writing on an annual basis if they are required to remain in the program.

No Club may require any Player to submit to any form of testing not authorized by this Policy. In addition, Players on reasonable cause testing may be removed from their Club's active roster and placed in the category of *Reserve/Non-Football Illness* if, after consultation with the Club physician and NFLPA Medical Director, it is the Independent

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<sup>4</sup> As used in this Policy, sufficient credible evidence includes but is not limited to: criminal convictions or plea arrangements; admissions, declarations, affidavits, authenticated witness statements, corroborated law enforcement reports or testimony in legal proceedings; authenticated banking, telephone, medical or pharmacy records; or credible information obtained from Players who provide assistance pursuant to Section 10 of the Policy.

Administrator's opinion that such a step is medically necessary.

### **3.2 Notification and Collection Procedures**

Specimens may be collected on any day of the week, except that the collection of blood specimens will be prohibited on game days. To ensure that specimens are properly collected and accurately attributable to the selected Player, and to prevent evasive techniques, specimens will be collected, stored and transported to the testing laboratory according to the protocols referenced in Section 2.3.

Specimen collections occurring at a Club facility, stadium or scouting combine venue will be conducted at the discretion of the Independent Administrator and Collection Vendor without advance notice to the Player. Upon notification that he has been selected for testing, the Player shall furnish a specimen to the authorized specimen collector as soon as possible, but in no event more than three (3) hours following notification. Until the specimen is provided, the collector shall maintain specific knowledge of the Player's whereabouts and the Player may not leave the premises for any reason. If the collector reasonably believes that the Player is evading testing, he shall report the matter to the Collection Vendor and/or Independent Administrator for disciplinary review.

For specimen collections occurring away from the Club facility, the Independent Administrator and Collection Vendor may in their discretion contact the Player by telephone or voicemail or text message to notify him that he has been selected and schedule a collection time within twenty-four (24) hours at a site not more than forty-five (45) miles from the Player's location. Players must provide accurate off-season contact information in the form of an accurate telephone number and address to the Independent Administrator prior to the conclusion of their Club's playing season.

The Parties recognize that the collection protocols, policies and procedures exist for the purpose of ensuring the accuracy of test results and confidence in the testing methodology and processes.

### **3.3 Failure or Refusal to Test/Efforts to Manipulate Specimen or Test Result**

An unexcused failure or refusal to appear for required testing, or to cooperate fully in the collection process, will warrant disciplinary action. (See Appendix H.) Any effort to substitute, dilute or adulterate a specimen, or to manipulate a test result to evade detection will be considered a violation of the Policy and may result in more severe discipline than would have been imposed for a positive test.

### **3.4 Testing Laboratories**

The Independent Administrator will determine the most appropriate laboratory or laboratories to perform testing under the Policy. Currently, the UCLA Olympic Analytical Laboratory in Los Angeles and the Sports Medicine Research and Testing Laboratory in Salt Lake City have been approved to analyze specimens collected for Prohibited Substances. These laboratories have been accredited by ISO and the World Anti-Doping Association for anti-doping analysis and perform testing for the NCAA, the United States Anti-Doping Agency and other sports organizations.

Screening and confirmatory tests will be done on state-of-the-art equipment and will

principally involve use of GC/MS or LC/MS equipment. In addition, testing will be done for masking agents (including diuretics) as appropriate. The Parties shall, with the advice and consultation of the Chief Forensic Toxicologist and other advisors, endeavor to review the analytical methods to be utilized and make modifications as necessary in furtherance of the Policy.

Either Party will have the right to discharge a testing laboratory provided that written notice is provided by the discharging party six months prior to discharge. Upon issuance of a discharge notice, the Chief Forensic Toxicologist and Independent Administrator will recommend one or more potential successor laboratories after which the League, with appropriate consultation with and reasonable approval of the Players Association, will promptly select and engage the successor laboratory.

### **3.5 Unknowing Administration of Prohibited Substances**

Players are responsible for what is in their bodies and a positive test will not be excused because a Player was unaware that he was taking a Prohibited Substance. Questions concerning dietary supplements should be directed to the Independent Administrator and/or the NFL Players Association's Director of Drug Policies at (800)-372-2000. **Having a Player's or Club's medical or athletic training staff member approve or indicate that a supplement's list of ingredients does not appear to contain a Prohibited Substance will not excuse a positive test result.**

## **4. PROCEDURES IN RESPONSE TO POSITIVE TESTS OR OTHER EVALUATION**

### **4.1 Notice to Player**

Once a positive result is confirmed, the Independent Administrator will match the control identification number with the Player's name, notify the Player in writing of the positive result and request that the Player call him to discuss the result.

### **4.2 "B" Sample Analysis**

The NFLPA shall maintain a non-exclusive list of approved, independent board-certified forensic toxicologists ("Observing Toxicologists"), which shall be compiled in consultation with the Chief Forensic Toxicologist and which may not include any person affiliated with a commercial laboratory. If the Player wishes to have an independent toxicologist who is not on the NFLPA list observe the "B" bottle analysis, the independent toxicologist must sign an appropriate nondisclosure and confidentiality agreement with the applicable testing laboratory prior to scheduling the "B" sample analysis. Any Player who receives written notification of an "A" positive may either accept the result and discipline, await the results of the scheduled "B" sample analysis, or have an Observing Toxicologist witness the "B" sample analysis if he makes a written request to the Independent Administrator within five (5) business days of receiving the notification.

If observation is requested, the Independent Administrator will coordinate with the laboratory and designated Observing Toxicologist to schedule the "B" sample analysis to occur within seven (7) business days of the Player's request. If observation is not requested, the laboratory will conduct the analysis as soon as is practicable.

The “B” sample analysis will be performed at the same laboratory that did the “A” sample analysis according to the established analytical procedures and by a technician other than the one performing the “A” confirmation test. The results will be reported to the Independent Administrator, who may review them with the Chief Forensic Toxicologist and the laboratory director as appropriate.

If the “B” sample analysis generates a positive result, and the Chief Forensic Toxicologist certifies that result, the Independent Administrator will provide written notice, together with a copy of the laboratory documentation, to the Player and Parties. (If the “B” bottle test does not confirm a positive result, only the Player will be notified in writing.) If the Player is subject to disciplinary action, the Management Council will notify him in writing with a copy to the Players Association.

With respect to Pre-Employment Testing, the procedure set forth above shall apply, except that: (a) the “B” test will be performed as soon as possible with no Observing Toxicologist permitted; and (b) upon confirmation of the positive test result, the Independent Administrator shall promptly notify the NFL Management Council and: (i) all Clubs in the case of a Combine test, or (ii) the requesting Club(s) in the case of a Free Agent test.

#### **4.3 Medical Evaluation**

A medical examination such as outlined in Appendix C may be required of any Player who tests positive. The Independent Administrator will arrange for the evaluation, and the results of this evaluation will be reported to the Player, the Independent Administrator and the Club physician. If medical treatment (including counseling or psychological treatment) is deemed appropriate, it will be offered to the Player. Players with a confirmed positive test result will also be placed on reasonable cause testing at a frequency to be determined by the Independent Administrator consistent with this Policy.

The Player is responsible for seeing that he complies with the arrangements of the Independent Administrator for an evaluation as soon as practicable after notification of a positive test. This requirement is in effect throughout the year.

### **5. DISCIPLINE FOR VIOLATIONS OF LAW AND OTHER DOCUMENTED EVIDENCE-BASED VIOLATIONS**

Players or other persons within the NFL who: are convicted of or otherwise admit to a violation of law (including within the context of a diversionary program, deferred adjudication, disposition of supervision, or similar arrangement) relating to use, possession, acquisition, sale, or distribution of steroids, growth hormones, stimulants or related substances, or conspiring to do so; or are found through sufficient credible documented evidence (see footnote 4) to have used, possessed or distributed performance-enhancing substances, are subject to discipline at the discretion of the Commissioner, including suspension up to six games for a first violation or, if appropriate, termination of the individual’s affiliation with an NFL Club.

Any suspension shall be without pay and served as set forth below. Longer suspensions may be imposed for repeat offenders. In addition, Players violating this Policy under this Section will be appropriately placed or advanced to the next disciplinary step. In this respect, Players are reminded of federal legislation which criminalizes possession and distribution of steroids. (See Appendix F.)

## 6. SUSPENSION AND RELATED DISCIPLINE

### Players

Players who violate the Policy will be subject to discipline by the Commissioner as outlined below.

**Step One:** The first time a Player violates this Policy by testing positive for a Prohibited Substance; attempting to substitute, dilute or adulterate a specimen; manipulating a test result; or by violation of Section 5, he will be suspended without pay pursuant to the following schedule:

Positive Test Result for Diuretic or Masking Agent -- *two* regular and/or postseason games.

Positive Test Result for Stimulant<sup>5</sup> or Anabolic Agent -- *four* regular and/or postseason games.

Positive Test Result for a Prohibited Substance plus a Diuretic or Masking Agent/Attempt to Substitute, Dilute or Adulterate a Specimen/Attempt to Manipulate a Test Result/Violation of Section 5 -- *six* regular and/or postseason games.

Suspensions will begin when the Player accepts discipline or the decision on appeal becomes final. If fewer than the imposed number of games remains in the season, including any postseason games for which the Club qualifies, the suspension will carry over to the next regular season until the total number of games has been missed.

If the imposition of a suspension occurs prior to or during the preseason, the Player will be permitted to engage in all preseason activities. Upon the posting of final rosters, however, he will be suspended for the imposed number of regular-season games.

In addition, the Player will be subject to evaluation and counseling if, in the opinion of the Independent Administrator, such assistance is warranted.

**Step Two:** The second time a Player violates this Policy by testing positive for a Prohibited Substance; attempting to substitute, dilute or adulterate a specimen; manipulating a test result; or by violation of Section 5, he will be suspended without pay for *ten* regular and/or postseason games. The suspension will begin when the Player accepts discipline or his appeal becomes final. If there are fewer than ten regular and/or postseason games remaining in the season, including any postseason games for which the Club qualifies, the suspension will continue into the next regular season until the total number of games has been missed.

**Step Three:** The third time a Player violates the Policy by testing positive for a Prohibited

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<sup>5</sup> If a test administered to a Player outside of the Playing Season generates a positive result for a stimulant listed on Appendix A, the Player will not be subject to discipline under this Policy, but will instead be treated as a behavioral referral to the Policy and Program on Substances of Abuse. For purposes of this Section, the Playing Season shall be defined as the period beginning with the Player's first preseason game of the season and ending the week following his final regular or post-season game. For free agents, the Playing Season shall run from the League's first preseason game and end upon the conclusion of the Super Bowl.

Substance; attempting to substitute, dilute or adulterate a specimen; manipulating a test result; or by violation of Section 5, he will be banished from the NFL for a period of at least *two* seasons, subject to any appeal. Such a Player may petition the Commissioner for reinstatement after 24 months. Reinstatement, and any terms and conditions thereof, shall be matters solely within the Commissioner's sound discretion.

Players who are suspended under this Policy will be placed on the *Reserve/Commissioner Suspension* list. During the suspension period (subject to the preseason activities permitted for Step One violations), the Player will not be paid, nor may he participate in team activities, use the Club's facilities or have contact with any Club officials except to arrange off-site medical treatment. Before a Player is reinstated following a suspension, he must test negative for all Prohibited Substances under this Policy in order to be approved for return to play by the Independent Administrator. In addition, the Player must be examined and approved as fit to play by the Club physician before he may participate in contact drills or in a game.

In addition to the suspension imposed on him, any Player suspended for a violation of the Policy will be ineligible for selection to the Pro Bowl, or to receive any other honors or awards from the League or the Players Association, for the season in which the violation is upheld (*i.e.*, following any appeals) and in which the suspension is served.

#### Other Violators

Any coach, athletic trainer, Club physician or Club employee who uses, condones, encourages, supplies, or otherwise facilitates the improper use of Prohibited Substances shall be subject to discipline by the Commissioner. Any NFLPA Certified Contract Advisor or other person within the NFLPA's authority who engages in such conduct shall be subject to discipline by the NFLPA Executive Director.

### **7. PROCEDURES REGARDING TESTOSTERONE, BLOOD TESTING**

#### Testosterone

The Independent Administrator is authorized to subject a percentage of all specimens to Carbon Isotope Ratio (CIR) testing to detect the use of exogenous steroids. Confirmation of the exogenous administration of testosterone shall be governed by the WADA Technical Document or Guideline in effect at the date of agreement on this Policy governing the detection of endogenous anabolic androgenic steroids, which is attached at Appendix J (and any updates that the Parties may agree are appropriate).

If the introduction of testosterone or the use or manipulation of any other substance results in increasing the ratio of the total concentration of testosterone to that of epitestosterone in the urine to greater than 4:1, the test will be considered presumptively positive and will be subjected to CIR analysis. If CIR testing confirms the presence of an exogenous steroid, the result will be referred for discipline. In addition, if a Player's epitestosterone level exceeds 200 ng/mL, it will be considered a positive test result regardless of the Player's T:E ratio.

Notwithstanding, when information available to the Independent Administrator suggests but is not conclusive of steroid use, the Independent Administrator may require the Player to submit to ongoing reasonable cause testing and shall order other medical procedures including Carbon Isotope Ratio Testing or other diagnostic tests to confirm whether an exogenous steroid has